

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

CINEMAS – Vizianagaram District – Appeal Petition filed by Sri R.R.K.Ranga Rao, S/o Late Sri Raja Rao Venkatanarayana Krishna Ranga Rao Bahadur, against the orders of the Joint Collector and Licensing Authority, Vizianagaram – Allowed – Orders – Issued.

HOME (GENL.A2) DEPARTMENT.

G.O.Ms.No. 114

Dated: 20-02-2009.
Read the following:.

1. Proceedings of the Revenue Divisional Officer, Parvathipuram, No.1294/2004/A, dated 24-10-2005.
2. Appeal filed by the Counsel for Sri R.R.K.Ranga Rao, Visakhapatnam. dated 16-03-2006.
3. Govt.Memo.No.7914/Genl.A2/2006-2, dated 12-07-2006.
4. From the District Collector, Vizianagaram, Letter (M)Rc.No.659/2006/C1, dated 09-11-2006.
5. Written Arguments of the Counsel for the Petitioner Sri R.R.K.Ranga Rao, dated 02-12-2008.
6. Written Arguments of the Respondent Sri M.Narayana Rao, dated 02-12-2008.

ORDER:

In the reference first read above, Revenue Divisional Officer, Parvathipuram, Vizianagaram, has renewed the 'B'Form Licence of Theatre Balaji, Parvathipuram, for a period of three (3) years from 01-02-2006 to 31-12-2008.

2. In the reference 2nd read above, Sri R.R.K.Ranga Rao, S/o Sri RVRK Ranga Rao, has filed appeal petition against the orders of the Joint Collector & Licensing Authority, Vizianagaram, issued in the reference first read above.

3. The Government have called for the detailed report along with relevant records from the District Collector and Licensing Authority, Vijayanagaram, in the reference 3rd read above. The District Collector and Licensing Authority, Vizianagaram, has furnished the report along with the connected records in the reference fourth read above.

4. The District Collector and Licensing Authority, Vizianagaram, has stated that the Managing Partner, Sri M.Narayana Rao, has submitted an application under Rule 11 and 12 of Andhra Pradesh Cinema (Regulation) Rules 1970, on 24-08-2006, along with 'B'Form Licence book for renewal for a further period of three years from 01-01-2006 to 31-12-2008. Accordingly, it was renewed vide D.Dis.No.1294/2004-A, dated 24-10-2005. The appellant has filed an objection petition on 19.12.2005, requesting the Revenue Divisional Officer, Parvathipuram, not to renew the Licence.

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5. The Appellate Authority i.e, Government had conducted an hearing inviting both the parties i.e., Sri R.R.K.Ranga Rao (Appellant) and Sri M.Narayana Rao (Respondent) on 02-12-2008. Both the parties/representatives have appeared and submitted written arguments in their favour.

6. On examination of the Written Arguments of both the parties with reference to the material furnished by the Licensing Authority, it is noticed that:

- (1)The Appellant had filed an objection before the Licensing Authority/Joint Collector stating that he is absolute owner of the Theatre in question and requested not to renew the Licence.
- (2)After hearing both the parties the Joint Collector had issued proceedings on 21-07-2001 directing both the parties to settle their disputes through proper Court of Law and approach the Licensing Authority for renewal of Licence as the issue is of Civil Nature.
- (3)Basing on a representation from Sri M.Narayana (Respondent), the Joint Collector vide his proceedings dated 12-12-2001 had reviewed his proceedings dated 21-7-2001 and deleted the words “ approach the Licensing Authority for renewal of Licence” mentioned in his proceedings dated 21-7-2001, which is not warranted.
- (4)A W.P. No.22898/2002 has been filed by Sri R.R.K.Ranga Rao questioning the action of the Joint Collector in revising his proceedings dated 21-7-2001 and issuing a revised proceedings 12-12-2001 which is still pending in the Hon’ble High Court.
- (5)Initially, in 1983, Sri R.R.K.Ranga Rao who was the owner of the Sri Venugopala Talkies had inducted Sri M.Narayana Rao as a partner to manage the Theatre. In the same partnership deed it was indicated at para-2 that Sri R.R.K.Ranga Rao was the absolute Owner of the Cinema Theatre together with its appurtenant buildings, vacant sites, Cine equipment, Projectors Engine and Generator Houses etc.
- (6)Sri R.R.K.Ranga Rao, previous owner, has retired from the said partnership on 01-04-1995.
- (7)The Registrar of Firms had issued a copy of Registration in respect of M/s Sri Venugopala Talkies wherein Smt. Rani Rao Laxmi Venkatasubbayamma Rao, mother of Sri R.R.K.Ranga Rao was shown as a partner in Sri Venugopala Theatre mentioning her joining date as 31-10-1992.

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7. Government have examined the above points besides other points mentioned by the both the parties in their written arguments and also the material made available by the Licensing Authority and observes that the action of Joint Collector in reviewing his own proceedings dated 21-7-2001 and issuing a revised proceedings dated 12-12-2001 is not correct. If one of the parties is aggrieved by the proceedings dated 21-07-2001 of the Joint Collector, it is for that party to approach Appellate Authority but not the Joint Collector himself. It is also observed that due to retirement of Sri R.R.K.Ranga Rao from the partnership firm, the claim of Sri M.Naryana Rao to have become the owner of the theatre together with the property attached to it, is not correct. To claim the ownership of any property it is required to hold the title of the same in his name which is not available with Sri M.Narayana Rao in this case. Thirdly, even after retirement, the mother of Sri R.R.K.Ranga Rao is also shown as a partner in the official record which goes to say that Sri M.Narayana Rao is not left alone in the said Theatre after retirement of Sri R.R.K.Ranga Rao.

8. In view of the above, Government came to a conclusion that the right of the parties to the Theatre has to be adjudicated in a Civil Court of Competent jurisdiction and the action the Joint Collector in renewing the Licence without considering the above aspects is not correct. Accordingly, Government/ Appellate Authority in exercise of the powers conferred under Section 7 of Andhra Pradesh Cinemas (Regulation) Act 1955, hereby allow the Appeal filed by Sri R.R.K.Ranga Rao and direct Licensing Authority not to renew the Licence of M/s Balaji Theatre (erstwhile Sri Venugopala Theatre) Parvathipuram, till the disposal of the W.P. No.22898/2002 pending in the Hon'ble Andhra Pradesh High Court.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The District Collector and Licensing Authority,
Vizianagaram District.
Copy to: Sri R.R.K.Ranga Rao S/o Late Sri Raja Rao
Venkatanarayana, Krishna Ranga Rao Bahadur,
R/o D.No.6-20-171/1, East Point Colony,
Visakhapatnam.
Copy to: Sri Maturi Narayana Rao S/o Late Ramarao
C/o M/s Balaji Theatre, Parvathipuram,
Vizianagaram District.
Copy to the P.S to M (Cinematography)
Copy to the P.S to Principal Secretary to Government,
Home Department.
S.F.SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER